

NOT FOR PUBLICATION

(Doc. No. 5)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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HON. JAMES BRENT THOMAS, SR.,	:	
on behalf of himself and all other	:	
similarly situated, and in the interest of	:	
the general public,	:	
	:	
Plaintiff,	:	Civil No. 11-2119 (RBK/KMW)
	:	
v.	:	<b>ORDER</b>
	:	
STATE OF NEW JERSEY,	:	
HON. CHRIS CHRISTIE, and	:	
MR. or MRS. JOHN DOE,	:	
	:	
Defendants.	:	
	:	

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**THIS MATTER** having come before the Court on the motion of Hon. James Brent Thomas, Sr. (“Plaintiff”), on behalf of himself and all others similarly situated, in the interest of the general public, for default judgment on Plaintiff’s claim against the State of New Jersey, Hon. Chris Christie, and Mr. or Mrs. John Doe (“Defendants”); and

**IT APPEARING TO THE COURT** that, as Defendants’ September 28, 2011 letter to the Court indicates, Defendants had not at that time been served with the summons and Complaint in this matter, Doc. No. 6; and

**IT FURTHER APPEARING TO THE COURT** that the Summons of Hon. Chris Christie and the State of New Jersey were each returned unexecuted on January 23, 2012, Doc. Nos. 9, 10; and

**IT FURTHER APPEARING TO THE COURT** that the Clerk has not entered Defendants’ default in this matter; and

**THE COURT NOTING** that Federal Rule of Civil Procedure 4(c)(1) provides that “[a] summons must be served with a copy of the complaint,” Fed. R. Civ. P. 4(c)(1); and

**THE COURT NOTING FURTHER** that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default,” Fed. R. Civ. P. 55; and

**THE COURT FINDING** that default judgment for Plaintiff is not proper under these circumstances;

**IT IS HEREBY ORDERED** that Plaintiff’s motion for default judgment is **DENIED**.

Dated: 4/26/2012

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge